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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,065	02/18/2004	Hiroshi Mizuguchi	042093	2237

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EXAMINER

SWINEHART, EDWIN L

ART UNIT PAPER NUMBER

3617

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/780,065	MIZUGUCHI ET AL.	
	Examiner	Art Unit	
	Ed Swinehart	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 13-17 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/9/2006 has been entered.

2. Claim 3 is objected to, as "upper" and "lower" are inaccurate for describing the ends of the actuator, which are in fact at the same level.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kiekhaefer '657.

Kiekhaefer '657 discloses the claimed invention, including a steering system for an outboard motor including a lower swivel shaft for turning the propeller, a hydraulic actuator for causing steering motion of the swivel shaft, a swivel case **14,15** which includes a recess within the cowl **15** which is "box-like" in shape. Since the actuators are contained completely within the cowl, they cannot project outside of the outboard profile as claimed.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '495 in view of Fujimoto and Ferguson.

Japan '495 discloses the field of the invention, including steering cylinders which reside beneath the profile of the outboard motor. As illustrated, the cylinders are not contained within a box, and are exposed to the elements. Also, the cylinders reside outside of the profile at the extremes of steering.

Ferguson teaches a pair of steering cylinders for steering an outboard motor. A "box" is provided to cover the cylinders.

Fujimoto discloses an outboard motor in which just the lower unit portion is steerable.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a box or enclosure to the outboard of Japan '495 as taught by Ferguson.

Such a combination would have been desirable at the time the invention was made so as to provide for protection of the cylinders from the elements.

It would further have been obvious to one of ordinary skill in the art at the time of the invention to employ the steering cylinders of Japan on an outboard motor as that taught by Fujimoto.

Such a combination would have been desirable at the time of the invention so as to provide for better weight distribution due to the power head positioning. Inherently with such a power head arrangement, the cylinders would always reside with the outboard profile.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '495 in view of Ferguson and Fujimoto as applied to claim 1 above, and further in view of Kanno.

Japan '495 as best understood fails to show a steering angle sensor.

Kanno teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide sensors to Japan '495 as taught by Kanno.

Such a combination would have been desirable at the time the invention was made so as to provide for increased reliability of components.

The position of the steering angle sensor is considered to have been an obvious design consideration, well within the level of skill of the ordinary routineer working in the art, and providing no unexpected results.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '495 in view of Fujimoto and Ferguson and Kanno as applied to claim 5 above, and further in view of Alsobrooks et al.

Japan '495 fails to disclose sensor type.

Alsobrooks discloses a sensor as that claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ a ring sensor as the steering sensor of Japan '495 as taught by Alsobrooks.

Such a combination would have been desirable at the time the invention was made so as to provide a simple yet accurate sensor.

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '495 in view of Fujimoto and Ferguson as applied to claim 1 above, and further in view of Kazuyoshi.

Japan '495 fails to disclose particulars of his/her fluid supply means.

Kazuyoshi teaches a fluid supply having a movable orifice as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a variable displacement fluid supply to the system of Japan '495 as taught by Kazuyoshi.

9. Claims 10 and 13-17 are allowed.

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'E' shape with a horizontal line extending to the right.

Ed Swinehart
Primary Examiner
Art Unit 3617